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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ANTHONY CLARKE,

Plaintiff,

v.

CHUCK ALLEN, *et al.*,

Defendants.

Case No. 3:17-cv-00582-MMD-VPC

ORDER

I. DISCUSSION

Plaintiff, a pro se prisoner, previously filed a first amended civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 11.) In its June 18, 2018 Screening Order, the Court stated that the portion of Count II of the First Amended Complaint alleging a claim against the John Doe doctor for deliberate indifference to serious medical needs would proceed when Plaintiff provided that John Doe doctor's identity. (ECF No. 10 at 11).

On July 10, 2018, Plaintiff filed a notice identifying the John Doe doctor as Dr. John Cutler. (ECF No. 12). The Court construes that notice as a motion to substitute the name of a party. So construed, the Court grants that motion. John Doe is now identified as Dr. John Cutler. Pursuant to the screening order, the portion of Count II of the First Amended

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1 Complaint alleging a claim against Dr. John Cutler for deliberate indifference to serious
2 medical needs will proceed.

3 **II. CONCLUSION**

4 For the foregoing reasons, it is ordered that that July 10, 2018 notice (ECF No. 12)
5 is construed as a motion to substitute the name of a party and is granted.

6 It is further ordered that the Clerk of the Court add Dr. John Cutler as a defendant
7 in this action and substitute Dr. John Cutler for the John Doe doctor.

8 It is further ordered that the portion of Count II alleging a claim against Dr. John
9 Cutler for deliberate indifference to serious medical needs will proceed.

10 It is further ordered that the Clerk of Court issue summonses for Defendants Dr.
11 John Cutler and deliver the same to the U.S. Marshal for service. The Clerk will send to
12 Plaintiff one USM-285 forms. The Clerk will also send a copy of the first amended
13 complaint (ECF No. 11), a copy of this order, and a copy of the June 18, 2018 Screening
14 Order (ECF No. 10) to the U.S. Marshal for service on Defendant. Plaintiff then has thirty
15 (30) days within which to furnish to the U.S. Marshal the required USM-285 forms with
16 relevant information as to each Defendant on each form. Within twenty (20) days after
17 receiving from the U.S. Marshal a copy of the USM-285 forms showing whether service
18 has been accomplished, Plaintiff must file a notice with the Court identifying which
19 Defendant(s) were served and which were not served, if any. If Plaintiff wishes to have
20 service again attempted on an unserved Defendant, then a motion must be filed with the
21 Court identifying the unserved Defendant and specifying a more detailed name and/or
22 address for said Defendant, or whether some other manner of service should be
23 attempted.

24 It is further ordered that Plaintiff must serve upon Defendant or, if appearance has
25 been entered by counsel, upon the attorney(s), a copy of every pleading, motion or other
26 document submitted for consideration by the Court. Plaintiff must include with the original
27 paper submitted for filing a certificate stating the date that a true and correct copy of the
28 document was mailed to the Defendant or counsel for the Defendant. The Court may

1 disregard any paper received by a district judge or magistrate judge which has not been
2 filed with the clerk and any paper received by a district judge, magistrate judge, or the
3 clerk which fails to include a certificate of service.

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5 DATED THIS 26th day of July 2018.

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MIRANDA M. DU
9 UNITED STATES DISTRICT JUDGE
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